

OPINION
45-55

August 11, 1945 (OPINION)

COUNTY COMMISSIONERS

RE: Per Diem and Expenses

This will acknowledge the receipt of your letter of August 7, 1945, and the enclosed copy of an opinion given to you by Attorney H. A. Mackoff of Dickinson, North Dakota, who is acting state's attorney for Billings County.

a strictly literal interpretation of chapter 157 of the 1945 session laws probably warrants Mr. Mackoff's conclusion that a county commissioner residing in the county seat is entitled to either mileage or subsistence if the board is in session more than one day because he is obliged to travel from his residence to the court house. But it is my opinion that it was the intention of the legislature that chapter 157 should apply only to county commissioners residing outside of the limits of the county seat. The term "county